MYSORE ACT No. VI OF 1939.

THE MYSORE CIGARETTE-TOBACCO SAFEGUARDING ACT, 1939.

(Received the assent of His Highness the Maharaja on the seventh day of February 1938.)

An Act to provide for the development of Cigarette-tobacco cultivation and for safeguarding the interests of Cigarette-tobacco cultivators in the [1][State of Mysore except Bellary District.]

Whereas it is expedient, for the fostering and development of Cigarette-tobacco cultivation in the [1][State of Mysore except Bellary District,] to take power for controlling and regulating the quality of the seed supply and the curing and marketing of Cigarette-tobacco in the State and for safeguarding the interests of tobacco cultivators ; It is hereby enacted as follows :—

1. This Act shall be called the Mysore Cigarette-tobacco Safeguarding Act, 1939. Short title.

2. (1) It extends to the [1][whole of the State of Mysore except Bellary District]. Extent and commencement.

(2) It shall come into operation from such date as the Government may, by notification in the official Gazette, direct.

3. In this Act, unless there is anything repugnant in the subject or context :— Definitions.

(*a*) "Cigarette-tobacco" shall include the following varieties, namely, Harrison Special, Cash, Adcock, Burley and all other flue-cured varieties of tobacco used for the manufacture of cigarettes ;

(*b*) "Barn" means any structure in which green tobacco leaf is cured by heat radiating from flue-pipes or tubes connected with an oven or a plant generating steam or electricity ;

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1. See the Mysore Adaptation of Laws Order, 1953.

(*c*) "Seed-bed" means earthen beds in which tobacco seed is sown and seedlings raised;

(*d*) "Licence" means a licence granted under this Act and 'Licensed' and 'Licensee' shall have corresponding meanings;

(*e*) "Prescribed" means prescribed by rules made under this Act.

License for seed-beds and barns.

4. (1) It shall be lawful for the Government to grant to any person or persons on such conditions and for such periods as may seem fit, licences for raising seed-beds for supply of seedlings to growers and for the construction of barns for curing Cigarette-tobacco.

(2) Such conditions in regard to seed-beds may specify the source from which the seed shall be obtained, the places where seed-beds are to be located, the area of the seed-bed, the maximum price at which seedlings shall be sold to growers, the preventive measures to be taken against insect pests and plant diseases and other matters relating to the proper preparation of seedlings.

(3) Such conditions in regard to the construction of barns by growers to cure tobacco grown by them may specify the localities and places where they are to be constructed, the kind of material to be used, the dimensions and design of the barns, the oven, and flue-pipes and chimneys.

(4) Where such barns are proposed to be constructed by curers for curing tobacco grown by cultivators, such conditions may also prescribe and limit the zones within which they may take up the curing of tobacco grown by cultivators and the distance to be observed from the nearest existing barn and also the extent of tobacco area corresponding to a barn. Such conditions may further prescribe that the owners of such barns shall undertake to purchase all the green tobacco leaf grown in the zone allotted to their barns at not less than the minimum price fixed by the Government in this behalf, suitable agreements being entered into by them in writing with the growers before transplantation of seedlings.

No seed-bed to be raised or barn constructed without a license.

5. It shall not be lawful for any person after the expiration of three months from the coming into force of this Act to carry on the business of raising seed-beds or the construction of barns for curing Cigarette-tobacco except under the authority and subject to the terms and

conditions of a licence granted in accordance with the provisions of this Act.

Decision of Government to be final.

6. The decision of the Government as to whether a licence may or may not be granted shall be final.

Information to be furnished.

7. The Government may by special or general order require the applicant for a license or a licensee or any person who, being a partner, proprietor, manager or an officer of a company or factory, is able to give information required for the purposes of this Act, to furnish such information within such time as they may fix.

Right of access for examination.

8. For the purpose of this Act and the rules framed thereunder, the Director of Agriculture or any officer authorised by him shall have the right of access to any land or premises wherein tobacco seed-beds, or curing barns are located and into any land where Cigarette-tobacco is cultivated for inspection with reference to the prevalence of insect pests or plant diseases and to all other relevant matters within the purview of this Act and the rules thereunder.

Power to order destruction of plant infested with pest.

9. The Director of Agriculture or any officer to whom this power is delegated by him with the approval of Government, shall have the power to order the destruction of all tobacco seedlings or plants which in his opinion are so badly infested with pest or diseases or parasite as to be a source of the spread of such pest, disease or parasite. The decision of the Director of Agriculture on this point shall be final.

Destruction by Director of Agriculture.

10. On default of the party to comply with an order under section 9, the Director of Agriculture or the officer empowered by him shall have the power to arrange for the destruction of such affected plants, the cost incurred for such destruction being recoverable in the same manner as arrears of land revenue.

Returns.

11. The owners of curing barns in the [1][State of Mysore except Bellary District] shall submit such returns as may be required for the purposes of this Act, in such forms, on

1. See the Mysore Adaptation of Laws Order, 1959.

such dates and to such authority as may be prescribed by rules framed thereunder.

Grading.

12. Where tobacco is graded and sold, the grading shall be done in the manner prescribed in the rules.

Penalty.

13. (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder shall be punishable with fine which may extend to rupees five hundred or in case of continued contravention with a fine which may extend to rupees fifty for everyday during which the contravention is continued after conviction therefor.

(2) Any person who—

(*a*) refuses or neglects to furnish any information required to be furnished for the purpose of this Act or rules made thereunder,

(*b*) refuses access to the Director of Agriculture or officer authorised by him for inspection of seed-beds, cultivation and curing, or

(*c*) fraudulently uses or permits to be used any licence issued under this Act,

shall be punishable with fine which may extend to rupees one hundred.

Liability of Manager, Secretary, etc., of firm or company.

14. Where the person guilty of an offence under this Act is,—

(*a*) an Association or Firm, every partner, member, manager or, secretary and other officer thereof who is knowingly a party to the default, or acts in contravention of any of the provisions of this Act or the rules framed thereunder, and

(*b*) a Company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default, or acts in contravention of any of the provisions of this Act or the rules framed thereunder,

shall also be guilty of the like offence and liable to the like punishment.

Class of Magistrate to try offences.

15. No offence made punishable by this Act or by any rule made thereunder shall be tried by a Court inferior to that of a Magistrate of the First Class.

Sanction to prosecute

16. No prosecution under this Act shall be instituted except with the sanction of the Director of Agriculture.

Indemnity for act done in good faith.

17. No suit or other legal proceedings shall be instituted against any person in respect of anything which is done or intended to be done in good faith under this Act.

Power to make rules.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for,—

(*a*) the fixing of the minimum price or prices at which the green tobacco leaf shall be purchased by the curers,

(*b*) the maximum price at which seedlings shall be sold to growers from the licensed seed-beds,

(*c*) the levying of fees in respect of licences granted under this Act,

(*d*) the conditions and limitations subject to which and the authority by whom a licence may be granted,

(*e*) the establishing of advisory committees for the purpose of fixing the price or prices at which green Cigarette-tobacco leaf shall be purchased by a curer and defining the powers, functions and procedure of such committees,

(*f*) the records, registers and accounts to be maintained for ensuring compliance with the provisions of this Act,

(*g*) fixing the grades of cured tobacco, and

(*h*) the returns which the owners of curing barns have to submit, the forms in which, the dates on which and the authority to whom such returns shall be submitted.